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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,300	08/26/2003	Eunhyung Kim	Q76059	2617

23373 7590 01/25/2007
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EXAMINER

LY, CHEYNE D

ART UNIT	PAPER NUMBER
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2168

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/647,300

Applicant(s)

KIM ET AL.

Examiner

Cheyne D. Ly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 22, 2006 has been entered.
2. Claims 1-20 are examined on the merits.

CLAIM REJECTIONS - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3, 5-7, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernandez (1998).**
5. In regard to claim 1, Fernandez discloses a media file management system for a home media center (page 32-33, Jet-Audio for Windows section, Figures 2-11, and page 34, Figure 2-12), comprising:

A control signal input unit that receives at least one control signal transmitted from an input device to control operations (pages 86-88, Figure 4-18) of the home media center (page 32-33, Jet-Audio for Windows section, Figures 2-11, and page 34, Figure 2-12);

and

A media file management unit that creates a search window that displays media files to be searched (pages 68-69, Figures 4-5, 4-6, and 4-8) and an edit window that displays a media content file to be edited, when the media file is required to be edited, and searching and managing the media files through the search window or the edit window in accordance with the at least one control signal (pages 263-270).

A display driving unit that displays the search window and the edit window together in a single display screen (page 61). It is noted that the inclusion of the Windows 98 reference is not being used as prior art, but only to expand on the inherent functionality of the Windows 98 operating system being utilized in the system cited above. Perry describes that the displaying of the search window and the edit window together (multiple windows) in a single display screen is inherent functionality of the Windows operating system (Perry, pages 42-43).

Wherein the media file management unit is implemented in a single program application (page 61, Windows 98 has been interpreted as "implemented in a single program application").

6. In regard to claim 2, a memory unit that stores the media file edited by the media file management unit (page 269, Undo, reverting, and saving section); and a display driving unit that generates displayable results of the editing of the media file by the media file management unit (page 265, Figures 12-5 and 12-6, page 266, Figure 12-7, and page 268, Figure 12-8).
7. In regard to claim 3, an interface unit that accesses media files stored in another information appliance (page 67, All the other sounds on your hard drive section). It is

noted that the hard drive represents the “another information appliance” from the CD player.

8. In regard to claim 5, the media files are album files containing music files (page 34, How to create an album section).
9. In regard to claim 6, the media file management unit comprises an application driving unit that drives an application configured to a type of media file selected (page 35, item b.), and manages the media file through the relevant application (page 32-33, Jet-Audio for Windows section, Figures 2-11, and page 34, Figure 2-12); an edit window creation unit that creates the search window (pages 68-69, Figures 4-5, 4-6, 4-8) or the edit window (pages 263-270); and a media file search unit that searches for media files stored in at least one of the memory unit and another information appliance (pages 68-69, Figures 4-5, 4-6, 4-8).
10. In regard to claim 7, the application driving unit causes paths of the media files searched by the media file search unit to be displayed in the search window (pages 68-69, Figures 4-5 and 4-6).
11. In regard to claim 20, Fernandez discloses a computer readable medium configured to store a set of instructions for performing media file management for a home media center (pages 293, Appendix A), said instructions comprising:
 - a. Creating one of a search window that displays a plurality of media files to be searched (pages 68-69, Figures 4-5, 4-6, and 4-8), and an edit window that displays a media file to be edited (page 261, Figure 12-3) from said plurality of media files;

- b. Displaying the search window and the edit window together in a single display screen (page 61);
- c. Selecting a file edit command for a selected one of the media files displayed in the search window (page 259, last paragraph); and
- d. In the edit window, displaying results of the execution of the file edit command for the selected media files (page 261, Figure 12-3),
- e. Copying the selected media file into the edit window in response to a user selecting a copy command (page 261, steps 1-4), and
- f. Moving the selected media file into the edit window in response to the user selecting a move command (page 261, steps 1-4). It is noted that Fernandez does not explicitly describe the “move command.” However, the instant specification does not explicitly disclose the “move command.” Therefore, the disclosure of “insert...a second sound into the current sound” (page 261, Figure 12-3) wherein the “Insert File” command has been construed as a type of “move command.”

RESPONSE TO ARGUMENTS

12. On pages 8-9, Applicant argues Fernandez fails to disclose all the features recited in claim 1 because the cited disclosure is directed to different components wherein each independent program applications running under windows. Applicant’s argument is not persuasive because Applicant argument fully supports that Fernandez anticipates the new limitation of “the media file management unit is implemented **in a single program application.**” It is noted that Fernandez discloses a plurality of programs **running in a single Windows application** which reasonably anticipates the new limitation.

13.

14. Claims 1-6, 8-10, 12-16, and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Rodriguez et al. (US 20030005454A1) (Rodriguez hereafter).

15. The instant rejection has been necessitated by claim amendments.

16. In regard to claim 1, Rodriguez discloses a media file management system for a home media center, comprising:

a control signal input unit that receives at least one control signal transmitted from an input device to control operations of the home media center (page 2, [0041] to page 3, [0043]);

a media file management unit (page 6, [0065] and page 9, [0078]) that creates a search window that displays media files to be searched and an edit window that displays a media content file to be edited, when the media file is required to be edited, and searching and managing the media files through the search window or the edit window in accordance with the at least one control signal (page 9, [0080] to page 12, [0091]); and

a display driving unit that displays the search window and the edit window together in a single display screen (Figures 5, 6, and 8-14, especially, "Edit/Search Screen").

17. In regard to claim 2, Rodriguez discloses a memory unit that stores the media file edited by the media file management unit (page 4, [0049], and Figure 3); and a display driving unit that generates displayable results of the editing of the media file by the media file management unit, wherein the display driving unit that generates displayable results of the editing of the media file by the media file management unit (Figures 5, 6, and 8-14, especially, especially Figures 13 and 14).

18. In regard to claim 3, an interface unit that accesses media files stored in another information appliance (page 4, [0049], and Figure 3, especially, Item 412)
19. In regard to claim 4, the at least one control signal received by the control input unit is output by an input device with a predetermined universal remote control function (page 4, [0049], and Figure 3, especially, Item 480, and Figure 7).
20. In regard to claim 5, the media files are album files containing music files (page 8, [0075], especially compact discs).
21. In regard to claim 6, the media file management unit comprises an application driving unit that drives a relevant application according to a type of media file selected (page 6, [0065] and page 9, [0078]), and manages the media file through the relevant application (page 6, [0065] and page 9, [0078]); an edit window creation unit that creates the search window (page 11, [0086], and Figures 12 and 13) or the edit window (page 11, [0086], and Figure 14); and a media file search unit that searches for media files stored in at least one of the memory unit and another information appliance (page 4, [0049], and Figure 3).
22. In regard to claim 8, the media file management unit causes results of the execution of a file edit command for a media file selected in the search window to be displayed in the edit window (page 11, [0085] and [0086], especially, "the user may...search or edit prior configurations by selecting...edit/search screen....displaying the current selections...").
23. In regard to claim 9, the media file management unit causes results of the execution of a file edit command for a media file selected in the edit window to be displayed in the search (page 11, [0085] and [0086], especially, "the user may...search or edit prior configurations by selecting...edit/search screen....displaying the current selections...").

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24. In regard to claim 10, the file edit command includes a "Delete" command (page 9, column 1-33, especially, "Media content can be viewed, deleted...").
25. In regard to claims 12-16 and 18 Rodriguez discloses a method directed to a media file management unit for a home media center as cited above.

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

28. **Claims 1-6, 8-10, 12-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (US 20030005454A1) (Rodriguez hereafter) in view of Kirkpatrick et al. (US 6,691,138B1) (Kirkpatrick hereafter).**

MOTIVATION TO COMBINE

29. Rodriguez describes a configuration screen wherein the user categorizes the downloaded media content (files) according to his or her own personal definitions or classifications (page 10, lines 6-9). Kirkpatrick describes an improvement in a configuration file manager that provides a graphical user interface managing configuration parameters from multiple files simultaneously (Abstract etc.). Therefore, one of ordinary skill in the art at the time of the invention would have been motivated by Kirkpatrick to improve the user interface of Rodriguez to manage configuration parameters from multiple downloaded files simultaneously.

PRIOR ART

30. In regard to claim 1, Rodriguez discloses a media file management system for a home media center, comprising:

a control signal input unit that receives at least one control signal transmitted from an input device to control operations of the home media center (page 2, [0041] to page 3, [0043]);

a media file management unit (page 6, [0065] and page 9, [0078]) that creates a search window that displays media files to be searched and an edit window that displays a media content file to be edited, when the media file is required to be edited, and searching and managing the media files through the search window or the edit window in accordance with the at least one control signal (page 9, [0080] to page 12, [0091]); and

wherein the media management unit is implemented in a single program application (page 6, [0065] and page 9, [0078]).

31. However, Rodriguez does not explicitly describe the limitation of “a display driving unit that displays the search window and the edit window together in a single display screen.”

32. Kirkpatrick describes “a display driving unit that displays the search window and the edit window together in a single display screen” (column 6, lines 19-34, and Figure 4A).

Therefore, it would have been obvious to one of ordinary skill in the art to make and use the user interface of Rodriguez to manage configuration parameters from multiple downloaded files simultaneously by having the search window and the edit window together in a single display screen as described by Kirkpatrick.

33. In regard to claim 2, Rodriguez discloses a memory unit that stores the media file edited by the media file management unit (page 4, [0049], and Figure 3); and a display driving unit that generates displayable results of the editing of the media file by the media file management unit, wherein the display driving unit that generates displayable results of the editing of the media file by the media file management unit (Figures 5, 6, and 8-14, especially, especially Figures 13 and 14). Therefore, it would have been obvious to one of ordinary skill in the art to make and use the user interface of Rodriguez to manage configuration parameters from multiple downloaded files simultaneously by having the search window and the edit window together in a single display screen as described by Kirkpatrick.

34. In regard to claim 3, an interface unit that accesses media files stored in another information appliance (page 4, [0049], and Figure 3, especially, Item 412). Therefore, it would have been obvious to one of ordinary skill in the art to make and use the user interface of Rodriguez to manage configuration parameters from multiple downloaded

files simultaneously by having the search window and the edit window together in a single display screen as described by Kirkpatrick.

35. In regard to claim 4, the at least one control signal received by the control input unit is output by an input device with a predetermined universal remote control function (page 4, [0049], and Figure 3, especially, Item 480, and Figure 7). Therefore, it would have been obvious to one of ordinary skill in the art to make and use the user interface of Rodriguez to manage configuration parameters from multiple downloaded files simultaneously by having the search window and the edit window together in a single display screen as described by Kirkpatrick.
36. In regard to claim 5, the media files are album files containing music files (page 8, [0075], especially compact discs). Therefore, it would have been obvious to one of ordinary skill in the art to make and use the user interface of Rodriguez to manage configuration parameters from multiple downloaded files simultaneously by having the search window and the edit window together in a single display screen as described by Kirkpatrick.
37. In regard to claim 6, the media file management unit comprises an application driving unit that drives a relevant application according to a type of media file selected (page 6, [0065] and page 9, [0078]), and manages the media file through the relevant application (page 6, [0065] and page 9, [0078]); an edit window creation unit that creates the search window (page 11, [0086], and Figures 12 and 13) or the edit window (page 11, [0086], and Figure 14); and a media file search unit that searches for media files stored in at least one of the memory unit and another information appliance (page 4, [0049], and Figure 3).

Therefore, it would have been obvious to one of ordinary skill in the art to make and use the user interface of Rodriguez to manage configuration parameters from multiple downloaded files simultaneously by having the search window and the edit window together in a single display screen as described by Kirkpatrick.

38. In regard to claim 8, the media file management unit causes results of the execution of a file edit command for a media file selected in the search window to be displayed in the edit window (page 11, [0085] and [0086], especially, “the user may...search or edit prior configurations by selecting...edit/search screen....displaying the current selections...”).

Therefore, it would have been obvious to one of ordinary skill in the art to make and use the user interface of Rodriguez to manage configuration parameters from multiple downloaded files simultaneously by having the search window and the edit window together in a single display screen as described by Kirkpatrick.

39. In regard to claim 9, the media file management unit causes results of the execution of a file edit command for a media file selected in the edit window to be displayed in the search (page 11, [0085] and [0086], especially, “the user may...search or edit prior configurations by selecting...edit/search screen....displaying the current selections...”).

Therefore, it would have been obvious to one of ordinary skill in the art to make and use the user interface of Rodriguez to manage configuration parameters from multiple downloaded files simultaneously by having the search window and the edit window together in a single display screen as described by Kirkpatrick.

40. In regard to claim 10, the file edit command includes a “Delete” command (page 9, column 1-33, especially, “Media content can be viewed, deleted...”). Therefore, it would

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have been obvious to one of ordinary skill in the art to make and use the user interface of Rodriguez to manage configuration parameters from multiple downloaded files simultaneously by having the search window and the edit window together in a single display screen as described by Kirkpatrick.

41. In regard to claims 12-16 and 18 Rodriguez discloses a method directed to a media file management unit for a home media center as cited above. Therefore, it would have been obvious to one of ordinary skill in the art to make and use the user interface of Rodriguez to manage configuration parameters from multiple downloaded files simultaneously by having the search window and the edit window together in a single display screen as described by Kirkpatrick.

42. **Claims 7, 11, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (US 20030005454A1) (Rodriguez hereafter) in view of Kirkpatrick et al. (US 6,691,138B1) (Kirkpatrick hereafter), as applied to claims 1-6, 8-10, 12-16 and 18 above, and further in view of Fernandez (1998).**

MOTIVATION TO COMBINE

43. Rodriguez describes an electronic communications system wherein one may be able to purchase audio or video products on the Internet and then download them to a personal computer (page 1, [0004]). Kirkpatrick describes an improvement in a configuration file manager that provides a graphical user interface managing configuration parameters from multiple files simultaneously (Abstract etc.). While, Fernandez “helps users identify, access, download, upload, and transmit various sound files...on the Internet” (page ix, Preface section). The one of ordinary skill in the art at the time of the invention would

have been motivated by Fernandez to access “identify, access, download, upload, and transmit various sound files” from the electronic communications system described by Rodriguez and Kirkpatrick.

PRIOR ART

44. In regard to claims 7 and 17, Rodriguez describes all of the limitations of claims 7 and 17, except for the limitation of an application driving unit causes paths of the media files searched by the media file search unit to be displayed in the search window. Fernandez describes application driving unit causes paths of the media files searched by the media file search unit to be displayed in the search window (pages 68-69, Figures 4-5 and 4-6). Therefore, it would have been obvious to one of ordinary skill in the art to “identify, access, download, upload, and transmit various sound files” from the electronic communications system described by Rodriguez and Kirkpatrick with the paths of the file being displayed as described by Fernandez.
45. In regard to claims 11, 19, and 20, Rodriguez describes all of the limitations of claims 11, 19, and 20 except for the limitation of “copy...move...”. Copying the selected media file into the edit window in response to a user selecting a copy command (page 261, steps 1-4), and Moving the selected media file into the edit window in response to the user selecting a move command (page 261, steps 1-4). It is noted that Fernandez does not explicitly describe the “move command.” However, the instant specification does not explicitly disclose the “move command.” The disclosure of “insert...a second sound into the current sound” (page 261, Figure 12-3) wherein the “Insert File” command has been construed as a type of “move command.” Therefore, it would have been obvious to one

of ordinary skill in the art to “identify, access, download, upload, and transmit various sound files” from the electronic communications system described by Rodriguez and Kirkpatrick with the “copy” and “move” commands described by Fernandez.

CONCLUSION

46. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance.

Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

47. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

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48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716.

The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

49. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly
Patent Examiner
1/18/07

